

**UPDATING TITLE 19 PUBLIC SAFETY CODE
D OCCUPANCIES TO R-2 & R-6 OCCUPANCIES
November 14, 2002**

The State Fire Marshal's office proposes to update the D occupancies currently in Title-19 to reflect the occupancy classifications currently being used. Before this rulemaking takes place, you are asked to review and send your ideas and comments, before December 10, 2002, to Rodney Slaughter, Title-19 Regulations Coordinator via e-mail: rodney.slaughter@fire.ca.gov

Existing text is struck out, and proposed text is in bold and underlined.

Summary of Proposed Action:

Title-19 of the California Code of Regulations makes several references to "D Occupancies." This occupancy type has been updated over the years to include I-1a and I-2a occupancies and then again to the current R-2 and R-6 occupancies now referenced in statute and in the California Building Code (Title 24). This action will have no regulatory impact but will update an archaic reference in Title-19. This action will coincide with references in both statute and Title-24. Additionally, the referenced standard to NFPA 56E, 1977 is also being updated to the current standard NFPA 99B, Hypobaric Facilities, 2002 edition.

§1.05. Supervision.

(a) Every occupancy within the scope of these regulations shall be staffed with competent adult persons who shall give an alarm in the event of fire, assist the occupants of the building to safety and take other action as necessary.

(b) When any child in a ~~Group I, Division 3A~~ **R-2.2.1** Occupancy is 12 years of age or less and is housed above the first floor, an adult supervisor shall be housed on the floor used by the child. The adult supervisor shall meet the requirements of the appropriate licensing or certifying agency. Such adult supervisor shall have access to the bedroom of the child without exposure to any unprotected interior stairway.

It is the intent of this section to permit the aid of the adult supervisor in evacuating the child from the building. Exits shall not be blocked so as to impair access either for the adult to the child, or from the child's bedroom to the exterior.

Authority cited: Sections 13108 and 13143, Health and Safety Code. Reference: Sections 13100-13146.5, Health and Safety Code.

§1.07. Local Ordinances.

Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of any city, city and county, or county governmental agency, providing such local ordinance, rule or regulation is not less stringent than these minimum standards.

Note: No local ordinance, rule or regulation shall be applicable to any of the following: (a) Public Schools. (Hall v City of Taft, 47 Cal. 2d 177.) (b) State-owned and state-occupied buildings and state institutions (Kuback Co. v McGuire, 199 Cal. 215 and cases cited. Also Section 13108, Health and Safety Code.) (c) Community care facilities as defined in Section 1502, Health and Safety Code and classified as ~~Group D~~ **R-2 or R-6** Occupancies in Part 2, Title 24, CAC **California Building Standards Code**. (Section 13143.7, Health and Safety Code.) (d) Organized Camps. (Attorney General letter of opinion dated October 24, 1974--Opinion No. 74/254 I.L.)

NOTE

Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216 and 18897-18897.7, Health and Safety Code.

§3.08. Decorative Materials.

In every Group A, E, I, R-1 ~~and D~~, **R-2 and R-6** Occupancies all drapes, hangings, curtains, drops, and all other decorative material, including Christmas trees, that would tend to increase the fire and panic hazard shall be made from a nonflammable material, or shall be treated and maintained in a flame-retardant condition by means of a flame-retardant solution or process approved by the State Fire Marshal, as set forth in Subchapter 8, Chapter 1, Title 19, CAC. Exits, exit lights, fire alarm sending stations, wet standpipe hose cabinets, and fire extinguisher locations shall not be concealed, in whole or in part, by any decorative material.

Exceptions:

- (a) Cubical curtains and individual patient room window curtains and drapes in Group I ~~and D~~, **R-2 and R-6** Occupancies.
- (b) Window curtains and drapes within dwelling units of Group R, Division 1 Occupancies.
- (c) Christmas trees within dwelling units of Group R, Division 1 Occupancies.

Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216 and 18897-18897.7, Health and Safety Code.

~~§3.23. Nonambulatory Housing in Group I, Division 1A and 2A Occupancies.~~

§3.23. Nonambulatory Housing in Group R-2 and R-6 Occupancies.

Nonambulatory persons in Group I, Divisions 1A and 2A **R-2 and R-6** Occupancies shall not be housed above the first floor unless the building is of Type I.F.R. or Type II F.R. construction. ~~This provision shall also apply to all Group D-2 and D-4 Occupancies.~~

Authority cited: Sections 13108, 13143, 13143.6, and 18897.3, Health and Safety Code.
Reference: Sections 13100-13146.5 and 18897-18897.7, Health and Safety Code.

§3.25. Open Flame Devices.

(a) Open flame devices shall be prohibited in every Group A, E, I, ~~and D~~ **R-2 and R-6** Occupancy.

Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897.3, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216 and 18897-18897.7, Health and Safety Code.

§3.26. Operators Statement--Group I, R-2 and ~~D~~ R-6 Occupancies.

Every person, firm or corporation maintaining or operating any Group I or Group ~~D~~ **R-2** **or R-6** Occupancy shall provide an operators statement in accordance with Section 13132 of the Health and Safety Code which reads as follows:

Authority cited: Sections 13108, 13143, 13143.6, 13211 and 18897-18897.7, Health and Safety Code. Reference: Sections 13100-13146.5, 13210-13216 and 18897-18897.7, Health and Safety Code.

§3.29. Portable Fire Extinguishing Equipment.

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(d) Group I, ~~D and R-2 and R-6~~ Occupancies. In Group R-2 and R-6 Occupancies I, ~~Division 1A and 2A Occupancies, Group D, Divisions 2 and 4 Occupancies and in Group R, Division 3 Occupancies,~~ a continuously attached garden hose, equipped with a water flow control nozzle, may be provided in lieu of one or more required fire extinguishers when acceptable to the enforcing agency. The location and length of such hose shall be as designated or approved by the enforcing agency.

It is recommended that wherever possible portable fire extinguishers be located adjacent to manual fire alarm sending stations.

Authority cited: Sections 13108, 13143, 13143.6, 13211, 17920.7, 17921 and 18897.3, Health and Safety Code. Reference: Sections 13100-13143.6, 13210-13216, 17920.7, 17921 and 18897-18897.7, Health and Safety Code.

§3.32. Smoking.

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(d) Smoking shall be prohibited in any patient room of a Group I or ~~D~~ **R-2 or R-6** Occupancy utilizing air-induced mattresses. No Smoking--Open Flame Signs shall be installed as specified in **NFPA 99B**, ~~NFPA 56E—1977~~, Hypobaric Facilities, **2002 edition**.

Authority cited: Sections 13108, 13143, 13211 and 18897.3, Health and Safety Code.

Reference: Sections 13100-13146.5, 13210-13216 and 18897-18897.7, Health and Safety Code.